HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE G.V. SEETHAPATHY

Writ Petition No.22652 of 2006

Between:

M. Hemalatha

… Petitioner

And

Union of India, Ministry of
Information and Technology,
Cable Televisioin Networks,
Rep. by its Secretary,
New Delhi and others

… Respondents

:: ORDER::

Counsel for the Petitioner: Shri P. Vinod Kumar

February 19, 2007

Per G.S. Singhvi, CJ

The petitioner, who is practicing as an advocate in the High Court of Andhra Pradesh, has instituted this petition as a piece of public interest litigation for issue of a mandamus to the respondents to regulate cable network telecast through television by fixing time schedule for programmes pertaining to children between age group of 3 to 12.

In her affidavit, the petitioner has referred to the alleged haphazard and mushroom growth of cable network all over the country during last few years and has averred that due to running of programmes made available by foreign networks like Cartoon Network, Anne Max, Pogo, Disney Channel, Jetix etc. for 24 hours, the education of the children is getting adversely affected. According to the petitioner, the children are getting addicted to these programmes and are not devoting time for their studies. She has referred to the opinion of the pediatricians who have expressed the view that 24 hours watching television could be dangerous to the children.

We have heard Shri P. Vinod Kumar, learned counsel for the petitioner. In our opinion, even though the purpose with which the petitioner has sought intervention of the Court appears quite laudable, it is not possible to entertain her prayer and issue mandamus in terms of the prayer made because the petitioner has not impleaded the cable network operators and those engaged in telecasting programmes, which are considered dangerous for the children. This Court cannot pass an order banning or for regulating the telecast of signals by the foreign or Indian network unless they

are given opportunity of hearing.

We are also of the view that the bald averments contained in the writ petition cannot be made basis for ordering a roving enquiry into the alleged adverse effect of some television programmes concerning children. The petitioner should have made research on the subject and placed before the Court tangible material to show the adverse impact of 24 hours telecast of such programmes on the children. Then only the Court could call upon the official respondents and the foreign networks, if any, impleaded as parties to show cause as to why direction for regulating their telecast may not be issued.

With the above observations, the writ petition is dismissed leaving the petitioner free to institute fresh research based petition in which the concerned foreign networks or their agents are impleaded as party respondents.

As a sequel to dismissal of the writ petition, WPMP No.28786 of 2006 filed by the petitioner for interim relief is disposed of as infructuous.

G.S. SINGHVI, CJ

February 19, 2007

G.V. SEETHAPATHY, J

svs